UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,132	11/05/2003	Dennis D. Bicker	1033-SS00355	6845

34456 7590 07/28/2005	EXAMINER
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746	DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/702,132	BICKER ET AL.
	Examiner	Art Unit	
	Pierre-Louis Desir	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 April 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 18-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claim 8-13 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-2, 5-9, 11-13, 19-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Moore, Pub. No. US 2003/0039242.

Regarding claim 1, Moore discloses a method of forwarding a call from a mobile phone,

the method comprising: determining that the mobile phone is within range of a wireless local

area network base station with voice over internet protocol capability (i.e., the mobile handset is

enabled to determine whether it is within range of the local network) (see page 2, paragraph 29

lines 9-10); receiving an internet protocol address associated with the wireless local area network

base station (i.e., to enable the forwarding of telephone calls from the mobile telephone network

to the VoIP telephone network, the handset may first request the telephone number of the VoIP

gateway. In addition, if the data traffic comprises Internet Protocol (IP) data traffic, the IP data

traffic (from IP network 50) may be forwarded from the mobile telephone network 30 to the

VoIP telephone network 25 when the handset 10 is within range of the local network 15. IP routers 55 may be notified of a new route for the handset's **IP address to enable the forwarding of the IP data traffic via the VoIP telephone network** (emphasis added). The handset may dynamically be assigned a new IP address on an IP subnet of the VOIP gateway. One skilled in the art would unhesitatingly envision and conceptualize the step of receiving an internet protocol address) (see page 2, paragraph 32, and page 3 paragraphs 39-40); sending a call forwarding message including the internet protocol address from the mobile phone to a remote cellular network element of a wide area cellular network (i.e., the handset sends a command to the mobile telephone network) (see page 2, paragraph 32, and page 3 paragraph 39).

Regarding claim 2, Moore discloses a method (see claim 1 rejection), wherein the cellular network redirects a call destined to the mobile phone to the wireless local area network base station for communication with the mobile phone using the voice over Internet protocol (i.e., the mobile handset sends a command to the mobile telephone network instructing the mobile telephone network to forward incoming telephone calls to a telephone number of the VoIP gateway via the VoIP telephone network) (see page 3, paragraphs 34, and 39).

Regarding claim 5, Moore discloses a method (see claim 1 rejection), further comprising determining that the mobile phone has moved out of range of the wireless local area network base station and sending a message to the cellular network element to cancel call forwarding to the wireless local area network base station (i.e., the handset is enabled to determine whether it is within range of the local network. And, the forwarding of telephone calls may be disabled when the handset is outside the range of the local network) (see page 2, paragraphs 29, and 30).

Regarding claim 6, Moore discloses a method (see claim 1 rejection), wherein the wide

area cellular network sends a call directly to the mobile phone over the cellular spectrum after

the mobile phone has moved out of range of the wireless local area network base station (i.e., if

the handset is outside of the range of the local network, data traffic may be routed to and from

the handset via the mobile telephone network) (see page 2, paragraph 29, lines 13-15).

Regarding claim 7, Moore discloses a method (see claim 2 rejection), wherein the mobile

phone and the wireless local area network base station communicate bidirectionally using the

voice over Internet protocol (i.e., a VoIP gateway for the VoIP telephone network. A cable

modem allows communication between the mobile handset and the VoIP telephone network.

Also, data traffic may be routed to and from the handset via the VoIP telephone network) (see

page 2, paragraph 29).

Regarding claim 8, Moore discloses a method of communicating from a wireless local

area base station to a mobile phone (see abstract), the method comprising: determining that the

mobile phone is within range of the wireless local area network base station, the wireless local

area network base station having voice over internet protocol communications capability (i.e.,

the mobile handset is enabled to determine whether it is within range of the local network) (see

page 2, paragraph 29 lines 9-10); retrieving an internet protocol address associated with the

wireless local area network base station from a memory (i.e., IP routers may be notified of a new

route or path (i.e., as understood from the specification, port number is a way to identify a

specific process to which an Internet or other network message is to be forwarded when it arrives

at a server) for the handset's IP address to enable the forwarding of the IP data traffic via the

VoIP telephone network. Also, the handset may dynamically be assigned a new IP address on an

IP subnet of the VOIP gateway. Therefore, both the IP address, and the route or path are retrieved from an inherent memory) (see paragraphs 39-40); and sending the internet protocol address and optional port number to the mobile phone over a wireless fidelity communication link (i.e., The handset 10 may dynamically be assigned a new IP address on an IP subnet of the VoIP gateway 20, and IP routers 55 may be notified of a new route for the handset's IP address to enable the forwarding of the IP data traffic via the VoIP telephone network. Thus, the handset received Internet protocol address and, inherently received a port number so that the IP routers may be notified of the new route or path for the handset's IP address. The handset 10 may be authenticated when the handset is determined to be within the range of the local network 15, which may comprise at least one of a Bluetooth.TM. wireless network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE 802.11h wireless network, an IEEE 802.11e wireless network. When the handset is determined to be within the range of the wireless local network, it may be authenticated, which inherently includes the sending of the internet protocol address and the port number) (see page 2, paragraphs 32, 37, 39-40, 42).

Regarding claim 9, Moore discloses a method (see claim 8 rejection), further comprising receiving a call from a wide area network, the call directed to the mobile phone at the internet protocol address and the optional port number of the wireless local area network base station VoIP provider (i.e., the mobile handset sends a command to the mobile telephone network instructing the mobile telephone network to forward incoming telephone calls to a telephone number of the VoIP gateway via the VoIP telephone network) (see page 3, paragraph 34, lines 3-8).

Regarding claim 11, Moore discloses a method (see claims 8, 9 rejections), wherein the

wide area network includes a high speed wired communication channel (see page 2, paragraph

30).

Regarding claim 12, Moore discloses a method (see claim 9 rejection), wherein the high

speed wired communication channel is a digital subscriber line connection (i.e., Broadband

connection) (see page 3, paragraph 38).

Regarding claim 13, Moore discloses a method (see claims 8 rejection), further

comprising establishing a bidirectional communication path between the wireless local area

network base station and the mobile phone and communicating using voice over internet

protocol over the bidirectional communication path (i.e., a VoIP gateway for the VoIP telephone

network. A cable modem allows communication between the mobile handset and the VoIP

telephone network. Also, data traffic may be routed to and from the handset via the VoIP

telephone network) (see page 2, paragraph 29).

Regarding claim 19, Moore discloses a method (see claim 2 rejection) wherein the call

destined to the mobile phone is communicated between the remote cellular network element and

the wireless local area network base station without utilizing a public switched telephone

network (i.e., the mobile telephone network 30 and the VoIP network 25 may both be configured

to route telephony data traffic to the PSTN network 40 and IP data traffic to the IP network 50)

(see paragraph 52).

Regarding claim 20, Moore discloses a method (see claim 1 rejection) wherein the

internet protocol address is received at the mobile phone from the wireless local area network

base station via a wireless connection (i.e., The handset 10 may dynamically be assigned a new

IP address on an IP subnet of the VoIP gateway 20, and IP routers 55 may be notified of a new

route for the handset's IP address to enable the forwarding of the IP data traffic via the VoIP

telephone network. Thus, the handset received Internet protocol address. The handset 10 may be

authenticated when the handset is determined to be within the range of the local network 15,

which may comprise at least one of a Bluetooth.TM. wireless network, an IEEE 802.11b wireless

network, an IEEE 802.11a wireless network, an IEEE 802.11g wireless network, an IEEE

802.11h wireless network, an IEEE 802.11e wireless network. When the handset is determined

to be within the range of the wireless local network, it may be authenticated, which inherently

includes the sending of the internet protocol address) (see page 2, paragraphs 32, 37, 39-40, 42).

Regarding claim 21, Moore discloses a method (see claim 8 rejection) wherein sending

the internet protocol address and the optional port number comprises sending the internet

protocol address and the optional port number from the wireless local area network base station

to the mobile phone (i.e., The handset 10 may dynamically be assigned a new IP address on an

IP subnet of the VoIP gateway 20, and IP routers 55 may be notified of a new route for the

handset's IP address to enable the forwarding of the IP data traffic via the VoIP telephone

network. Thus, the handset received Internet protocol address and, inherently received a port

number so that the IP routers may be notified of the new route or path for the handset's IP

address. The handset 10 may be authenticated when the handset is determined to be within the

range of the local network 15, which may comprise at least one of a Bluetooth.TM. wireless

network, an IEEE 802.11b wireless network, an IEEE 802.11a wireless network, an IEEE

802.11g wireless network, an IEEE 802.11h wireless network, an IEEE 802.11e wireless

network. When the handset is determined to be within the range of the wireless local network, it

may be authenticated, which inherently includes the sending of the internet protocol address and

the port number via the wireless local area network) (see page 2, paragraphs 32, 37, 39-40, 42).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Moore in view of Reding et al. (Reding), Pub. No. 2004/0213212.

Regarding claim 3, Moore discloses a method as described above (see claim 1 rejection).

Although Moore discloses a method as described, Moore fails to specifically disclose a

method, wherein the mobile phone determines that it is in range of the wireless local area

network by receiving a message in accordance with the 802.11 communication protocol.

However, Reding discloses a method for call forwarding (see abstract), in which the

system is capable of receiving an indication, which indicates that a first wireless device has

entered or left the vicinity or range of a second wireless device, wherein the indication may be

accomplished by using a protocol such as the IEEE 802.11(b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine both teachings, which are analogous, to arrive at the claimed invention. A

motivation for doing so would have been to allow wireless comparability comparable to

Ethernet.

Regarding claim 10, Moore discloses a method as disclosed above (see claim 9 rejection).

Although Moore discloses a method as described above, Moore fails to specifically disclose a method, wherein the wide area network is a distributed computer network.

However, Reding discloses a method of communicating from a wireless local area base station to a mobile phone, wherein the wide area network is a distributed computer network (i.e.. a network which consist of clients and servers connected in such a way that any system can potentially communicate with any other system) (see page 2, paragraph 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as disclosed by Moore with the teachings as disclosed by Reding to arrive at the claimed invention. A motivation to do so would have been to distribute processing to inexpensive system, and to relieve servers of many tasks.

6.   Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Shostak, Pub. No. US 20040127241

Moore discloses a method as described above (see claim 1 rejection).

Although Moore discloses a method wherein the handset may dynamically be assigned a new IP address on an IP subnet of the voice IP gateway (see page 3 paragraph 40), Moore does not specifically disclose a method, wherein the Internet protocol address is communicated to the mobile phone using the dynamic host configuration protocol.

However, Shostak discloses a method wherein IP addresses are assigned dynamically through the customer's DHCP server (see paragraph 84).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine both teachings to arrive at the claimed invention. A motivation for doing so

would have been to reduce the work necessary to administer an IP network, as related to the

distribution of IP addresses.

7.   Claims 14-15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reding in view of Moore.

Regarding claim 14, Reding discloses a mobile phone comprising: a housing (see fig. 6-

8); an antenna attached to the housing (see fig. 6-8); a wide area cellular communications module

disposed within the housing; a wide area cellular communications module having a cellular

interface to communicate with a remote wide area cellular network (i.e., transceiver) (see page 2,

paragraph 26; and page 8, paragraphs 88 and 89); and a short-range wireless local area network

module disposed within the housing, the short-range wireless local area network module having

a wireless interface to communicate with a wireless local area network having voice over internet

protocol communications capability (see page 8 paragraph 88).

Although Reding discloses a mobile phone as described above, Reding does not

specifically disclose a mobile phone, wherein an internet protocol address received by the mobile

phone from a wireless local area network is stored in the memory, and wherein the wide area

cellular communication module formulates a call forwarding message that includes the internet

protocol address, the call forwarding message to be communicated to the remote wide area

cellular network.

However, Moore discloses a disclose a mobile phone (i.e. mobile handset), wherein an internet protocol address received by the mobile phone from a wireless local area network is stored (i.e., the handset 10 may dynamically assigned a new IP address on an IP subnet of the VoIP gateway 20. One skilled in the art would immediately envision that the new IP address, which is assigned to the handset is stored in the inherent memory of the handset) (see paragraph 40), and wherein the wide area cellular communication module formulates a call forwarding message that includes the internet protocol address, the call forwarding message to be communicated to the remote wide area cellular network (i.e., the mobile handset sends a command to the mobile telephone network instructing the mobile telephone network to forward incoming telephone calls to a telephone number of the VoIP gateway via the VoIP telephone network) (see paragraphs 34, 39-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings to arrive at the claimed invention. A motivation to do so would have been to insure the authentication of the communication process.

Regarding claim 15, Reding discloses a mobile phone (see claim 14 rejection), wherein the wide area cellular communications module and the short-range wireless local area network module are computer software modules integrated within a digital processor device (i.e., Bluetooth-enabled device) (see page 8, paragraph 89).

Regarding claim 18, Reding discloses a mobile phone as described above (see claim 15 rejection).

Although Reding discloses a mobile phone as described above, Reding fails to specifically disclose a mobile phone device, wherein an internet protocol address received by the

mobile phone from a wireless local area network is stored, and wherein the wide area cellular

communication module formulates a message to cancel the previously communicated call

forwarding message to be sent to the remote wide area cellular network.

However, Moore discloses mobile phone device, wherein the wide area cellular

communication module formulates a message to cancel the previously communicated call

forwarding message to be sent to the remote wide area cellular network (i.e., the handset is

enabled to determine whether it is within range of the local network. And, the forwarding of

telephone calls may be disabled when the handset is outside the range of the local network) (see

claim 1 rejection, and paragraphs 29-30, 39-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine both teachings to arrive at the claimed invention. A motivation to do so

would have been to insure the authentication of the communication process.
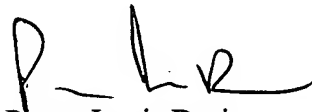

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312.

The examiner can normally be reached on (571) 272-7799.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pierre-Louis Desir
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07/22/2005

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PRIMARY EXAMINER